



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No: 12

Stattler Johansen & Adeli
P. O. Box 51860
Palo Alto, CA 94303

COPY MAILED

AUG 29 2003

OFFICE OF PETITIONS

In re Application of
Steven Teig
Application No. 09/739,589
Filed: December 15, 2000
Attorney Docket No. SPLX.P0014

DECISION ON PETITION
UNDER 37 CFR 1.137(b) AND
NOTICE OF ABANDONMENT

This is a decision on the petition filed June 6, 2003, under 37 CFR 1.137(f) which is being treated under the unintentional provisions of 37 CFR 1.137(b), to revive the instant nonprovisional application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. § 704. No additional petition fee is required.

Petitioner states that the instant non-provisional application is the subject of an application filed in a foreign country and the U. S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country. A review of the file record shows that a Request to Rescind was filed on February 13, 2002. However, petitioner has not provided the exact filing date of the foreign application. Before a proper determination on the merits of the petition can be decided, petitioner must supply the filing date of the foreign application.

Additionally, a non-final Office action was mailed to petitioner on January 2, 2003, setting a three-month shortened statutory period within which to submit a reply. A review of the file record discloses that a reply has, in fact, not been received in the USPTO. In view thereof, the application is abandoned for failure to reply to an outstanding office action. Petitioner must also supply a reply to the non-final Office action in order for this application to be revived.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Crystal Plaza Four, Suite 3C23
2201 South Clark Place
Arlington, VA 22202

By Fax: (703) 308-6916
ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 306-3475.



Marianne E. Morgan
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy